

case, it is officially declared, will begin and end.

As a matter of fact, the State's attorney has sufficient reason in the report to request the trial judge to hold Beulah Binford in custody for the present. The court complied, and a thorough investigation was made at once. The story went that the girl would now be indicted as an accessory before or after the fact, and that a warrant would be issued probably to-day. The investigation revealed nothing to justify such an action. There will be no request for a warrant. Beulah Binford will be released to-day and will be free to go where she wills—Broadway, anywhere.

"I can state positively and without qualification that this woman will not be brought further into the case in any way," declared Chief Detective Scherer last night. "We do not believe that either she or Paul Beattie has anything to do with the murder, and so far as we are concerned, they have dropped completely out and can go wherever they please. We have no further use for them. Our charge is against Henry Beattie alone."

Something of a flurry was caused yesterday by reports of newly discovered evidence. During the day several so-called new witnesses did in fact communicate with the State's representatives, but little attention was given to them. Now and then something turned up worthy of recording as a matter of precaution, but there is a purpose on the part of the Commonwealth to endeavor to reopen the case. So far as it is concerned, the testimony is a closed book. All witnesses, including Beulah and Paul, will be discharged to-day.

Instructions Agreed Upon.

Among the lawyers there was little for public print. Both sides still claimed the victory, and counsel for the prisoner professed confidence in the result.

The court spent the day over the instructions. Judge Watson conferred with the attorneys. Agreement was reached late in the afternoon and the paper will be submitted to the jury to-day. Its contents were not revealed last night. The instructions, however, will be comparatively brief, and delivered in some particular manner. The State contended itself largely with definitions of law and evidence.

The defense, it is understood, applied itself more particularly to point out features of the case in which the instructions depart from the field of broad generalities they concern chiefly the testimony of the prosecution's star witness, Paul Beattie. The nature and value of circumstantial evidence, the caution with which it must be received, and the advantage of every reasonable doubt will be explicitly pointed out.

At the courthouse the day passed very quietly. Its accustomed calm had come momentarily back to the building, and except for the presence of newspaper writers and a few idlers, the green had no visitors but the locusts. Under the mother-like eye of Sheriff Gill the jury contentedly enjoyed a spell of quiet. It is evident, however, that the twelve men are chafing under the restraint and are growing restless. They amused themselves yesterday with some modest diversions, but were ever longingly referring to home and friends. Occasionally they would unite voices in a hymn. There are two or three fine singers in the lot. Everywhere has crept abroad an impression that the jury have already formed their minds upon the verdict—whatever it may be. Nobody seems to expect the argument to figure in the case except as a spectacular conclusion of the trial.

Crowds will fight their way into the little building again to-day. The prominence of the lawyers engaged promises something unusual in the speech-making line, and many will be heard. The order of their appearance has not yet been definitely fixed. It is almost certain that Judge Gregory will open for the State, and will be followed immediately by Mr. Carter for the defense. Then Mr. Smith will follow, and finally Mr. Wendenburg will close the prosecution. Soon thereafter the jury will retire to cast its ballot. There is apprehension a disposition on the part of the court to hurry the trial to an end now. It is not without the bounds of possibility that a winning session will be held to-day, and a verdict returned before the night is over.

"Berry's for Clothes"

For those night owls here is the plumage which wise birds appreciate. All the correct details of dress after sundown.

Full dress coat, \$28.
Tuxedo coat, \$25.
Trousers to match both, \$8.
White waistcoats, \$3.50 to \$10.
Dress shirts, plain—\$1.50 to \$2.
Dress shirts, tucked bosom—\$1.50 to \$3.50.
Neckwear, hose, gloves, just right.
The Dunlap Silk Hat, \$8.
Opera, \$6 to \$10.

C. H. Berry

More likely, however, the case will go to the jury about noon to-morrow.

Has Had a Square Deal.

Whatever else may be said, Beattie has had a square and fair deal under the law. The firm hand of the trial judge has guided the case from beginning to end clear of shoals and so strikingly correct have been his rulings that it is manifestly designed to give the prisoner the benefit of every doubt that the ground has almost been cut from under the feet of those who set out from the start to lay basis for a nappel should one be necessary.

Not infrequently comment has been heard upon the fact that often the State has lost when disputed points were laid before the court. The majority of these critics evidently lacked a realization of the true inwardness of the situation. Eminently able to give the jury the benefit of every doubt, yet often deflected to the defense and within the bounds of reason gave it what it asked. All the time Wendenburg, the prosecutor, made a great noise of protest, but in his heart probably approved. As a matter of fact, not a few instances of the State's lawyer himself yielding without demur on important points and though with relentless vigor and unusual success he pressed his main case, took no risks of overstepping the precise limits of evidence as defined by law. He did it all with a definite purpose of making the case secure, even at the expense of a few sacrifices. As a result, Beattie has had his say with few if any restrictions, and the chances of a successful defense are extremely slim. A very full appeal are extremely slim. A very full appeal are extremely slim. A very full appeal are extremely slim.

When it did come, however, to some vital issue over which the two sides stood locked, refusing to yield an inch, Mr. Wendenburg cut swiftly and truly through the knot. Without a reference to a text and hardly a moment's hesitation, he would speak straight to the core and somehow or other the mists would clear away at once, and all the lawyers would drop into their seats satisfied. To a layman the picture of the youthful judge slowly

Health and Beauty Advice
BY MRS. MAE MARTIN.

Mrs. D. T.: No, you are not too old to regain your charming complexion, even though your face is wrinkled and with enlarged pores and blackheads. You can clear up and improve your complexion best by using the following creamless cream-lotion: Mix together two teaspoonfuls glycerine, one teaspoonful lemon juice, half a pint of water. Stir and let stand a few hours before using. This cream-lotion is unequalled for freshening up a dry, rough skin, and a splendid remedy for eradicating wrinkles, blackheads and freckles. After using this skin lotion daily only a short time, you should find a big improvement in your complexion.

Rose: You must be a pitiful sight to look upon, with so much blemish on your face. Instead of denying yourself the food you crave and undergoing tortuous exercises, try this harmless remedy. Get four ounces of paraffin oil, four ounces of olive oil, and a half pint of water. Mix and shake well. Take a tablespoonful before each meal, and your fat will disappear as if by magic. I receive many letters from those who have tried this simple, inexpensive remedy, telling me what good it is doing. It cuts down fat rapidly and leaves the skin smooth and free from wrinkles.

Mrs. E. B.: Ignorance is the only acceptable excuse for a head of poor hair. With but a little care you can have just as nice a head of thick, lustrous hair as your daughter has. In the first place, never wash your hair with soap, as the alkali in soap destroys the hair, making it brittle, streaky and lifeless. Try shampooing about twice a month with a teaspoonful of castor oil dissolved in a cup of hot water. The abundant lather cleanses perfectly, and does not dry the scalp quickly. You will soon notice your hair getting thicker, longer and taking on that beautiful healthy look so much desired, and you will no longer be bothered with dandruff.

Jeannie: Any amount of cold creams and face like will not take the pimples and that sallow look from your face. What you need is a good blood purifier and strengthening tonic to put a healthy color into your cheeks. Get an ounce of Garden of Eatin' Tonic, add a half cup sugar, then add enough hot water to make a quart. Take a tablespoonful of this tonic before meals, and you will soon regain your lost appearance.

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CLOSES CAMPAIGN IN HIS HOME TOWN

[Special to The Times-Dispatch.]

Lynchburg, Va., September 6.—Congressman Carter Glass closed his senatorial campaign before a home audience to-night at the City Auditorium. He was given a cordial reception. He replied to the cheering throng by saying that he was proud to be in his home town. The one new point made was that he was proud to be in his home town. The one new point made was that he was proud to be in his home town.

LAWYERS AGREE ON FINAL INSTRUCTIONS

Judge Watson to Make Such Changes as He Sees Proper Before Submitting Them to Jury in Beattie Case This Morning.

Practical agreement was reached on the instructions to be given the jury in the trial of Henry Clay Beattie, Jr., yesterday. Some of the points on which both sides have submitted conflicting drafts Judge Walter A. Watson still has under consideration, and he indicated at the close of the argument that he might rewrite them to suit his views. The instructions will be delivered to the jury this morning at 10 o'clock, and the argument of the case before the jury will begin at once. The proceedings yesterday were in formal—more a conference between Judge Watson and the attorneys than a formal argument. The talk abounded in Latin phrases, legal technicalities, and references to ponderous leather-bound volumes and to precedents in Virginia law. It was stated that the instructions given by Judge Morris in the McCue case were being used to some extent as a basis, though Judge Watson said those in the Beattie trial would be much shorter and simpler.

Each Side Had Instructions.

Attorneys on each side prepared tentative instructions before the meeting with Judge Watson. The four lawyers and the judge met at the State Library building at 12 o'clock. Adjournment was had very shortly. Counsel for the defense, Mr. Smith, Mr. Carter and Mr. Wendenburg, were in the Travelers' Insurance building, where an ample law library gave access to the authorities quoted.

For three hours the lawyers and Judge Watson were hard at work. Judge Watson was making out a paragraph here and changing a word there, accepting sometimes the draft offered by one side and sometimes that of the other.

With several instructions having specifically to do with the evidence of Paul Beattie and other features of this particular case still under consideration, the conference adjourned shortly after 3 o'clock.

The final instructions, Judge Watson stated, would not be made public until read to the jury this morning.

"Reasonable Doubt."

Important parts of the instructions will be that clause which defines a "reasonable doubt" along in the case of the defense has attempted little more than to raise such a "reasonable doubt" in the minds of the jury. All of the evidence relating to other highwaymen, suspicious characters seen on the roads, and people with shotguns, was not to fix the crime in any direction, but to show the possibility of the story told by Henry Beattie having been true—merely raising in the minds of the jurors that reasonable doubt which under the law must acquit.

Instructions as to premeditation, circumstantial evidence and motive were formulated largely on recognized lines of Virginia practice, familiar to all of the attorneys and to the court, and there was little difference of opinion.

In the argument of the case in chief the defense will make much of the apparent lack of motive for the crime, regardless of the fact that in the McCue case no motive whatever was shown or attempted to be shown.

A few attorneys and newspaper men were present during part of the hearing, which was technical and uninteresting. While page after page of decisions in famous criminal cases was being read in illustration of some point, lawyers were heard wandering to the windows, where the Chesterfield shore could be plainly seen across the city and the river. Attorney Smith remarked that with a good glass one ought almost to be able to pick out the nose of the crime five or six miles away on the Middleton Turnpike.

Perhaps the most important instruction asked for by the prosecution is that directing the jury to find the prisoner guilty if it believes the story told by Paul Beattie. This will be followed by an argument before the jury by showing that Paul's whereabouts have been checked and proved true at every hour. There could, of course, be no corroboration of the alleged confession Henry made to Paul, since they were alone together at the time. It is Henry's word against Paul's. But Henry has denied that they were alone together,

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We have two Inner-Player Pianos, slightly used. Regular price \$700. Will be sold at \$475 each.

Cable Piano Co.

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EVERYTHING MUSICAL

last night that the \$30,000 secured for the Federal building at the extra session of Congress, Mr. Glass produced letters to show that it was procured through his own efforts, and that he was in Pulaski at the time he was notified the bill would come up for vote the next day, and in order to be there when it came up he paid \$250 out of his own pocket for a special train to go to Washington to push the measure through.

He declared: "If I do not unhorse the dragon to-morrow I believe I have inaugurated a fight that will see red in its destruction."

His reference to being supported now by so many of the leading papers of the State created cheering.

HOPE STRONG IN BEATTIE'S BREAST

(Continued from First Page.)

Itors during the morning. In the afternoon, however, he was visited by his sister, Miss Hazel Beattie, and his aunt, Mrs. Bomar. They remained with him for several hours. Mr. Duval, who had been deputized by Sheriff Gill during the latter's absence in Richmond to look after the prisoner and the jail, escorted them into the jail, and in his cell Henry greeted them and talked earnestly as long as they stayed.

Judge Watson has issued orders that no one except his counsel and members of his immediate family should speak with the prisoner, and after the newspaper reporters had heard this edict they withdrew a respectful distance from the jail and talked with Beattie no more. From a distance, however, he could be seen standing in his shirt sleeves in front of his barred window, apparently taking a deep interest in the small groups of people who occasionally came and went. It was rather a lonely day for him, for Henry loves not the county quiet he says, but much prefers the noise and bustle of the streets.

Awake Verdict Now.

But he has never complained except on that morning when he said that his sleep had been disturbed by rats which infested the jail. He has never said another word about the troubles, some rodents, and it is accepted as a fact that he suffers no more from their midnight scampering about his cot.

And to-day was a day of rest for him. He had done all he can in a supreme effort to convince twelve men that he is innocent of the terrible charge which the State has lodged against him. He has told his story confidently, and with the greatest self-reliance, and now his labors done, he rests in the hope that his supporters and sustainers him since the first hour of his trial.

"I am an innocent man," he says, and in the innocence which he claims he finds his strength.

Sheriff Gill and his "chickens" (the jury) spent the day in ambling about and lounging on the courthouse green. Sometimes they slept seeking out the shady spots and making pillows for their heads with old newspapers or their coats.

As they strolled about the courthouse green, the farmer-jurors thought of the gunny sacks on which some of them lay. All were in their shirt sleeves even at the table, for in a field nearby a man was ploughing cow peas and the farmer-jurors thought of their own crops at home. One bystander accused some of them of going behind the courthouse and fondling an ancient and dismantled plow.

Hymns Reached His Cell.

In the afternoon they repeated the performance of the morning. Occasionally the musically inclined—some of them have good voices—burst into songs. These men knew no rag time. They sang hymns, and their favorites is "My Faith Looks Up to Thee, Oh Lamb of Calvary."

As they sang this old familiar hymn, Henry Beattie came to his window and listened. The jury was in plain view and he remained watching and listening until the last notes died away. It was rather pathetic, Henry in his barred cell and the twelve men upon whom his life depends singing and playing on the green. Sheriff Gill and Deputy Sheriff Goode never let the men out of their sight.

"Look at the sheriff and his chickens," remarked some one, and the two

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Look for this Sign on Leading Garages

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the debate as to the outcome, and almost nothing as to Judge Watson's attitude, it may be said that the instructions offered by the State were of the formal character general in nature, and with one or two exceptions they were passed by the defense without objection. The defense, however, offered twelve instructions to which the State objected, and which formed the basis of the debate; some, will stand, some will fall and some may be rewritten by the judge before they finally go to the jury.

Just as the conference began Mrs. Jessie B. Binford, mother of Beulah Binford, came from the private office of Attorney H. M. Smith, Jr. She had asked his good offices in securing the release of her daughter. Judge Watson indicated that both Beulah Binford and Paul Beattie were held under bond as Commonwealth witnesses. When the evidence is finally closed to-morrow morning, and the jury instructed, a motion for the release of both witnesses, and in fact, of all other witnesses summoned to appear and not yet heard or released, would be in order, and would be communicated to the sheriff of Henrico county at once.

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(Continued from First Page.)

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Good for 1 Vote

In The Times-Dispatch Pony Contest

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This ballot must be voted before September 12.

sheriffs do look like two old hens with a big brood of chickens. Late in the evening Sheriff Gill went home to Beach.

Going Home to Vote.

"I've got to vote," he said, "and I am going to start now. I am going to vote early and often," he said, laughing. "Ain't that right boys?"

"Sure," vote as often as you please," he was told. Some one gave him a box of cigars. He is now the recipient of many gifts, for he looms large upon the horizon of affairs now in Chesterfield county. "So I'll smoke myself," he said slyly, "and I'll give 'em to the jury."

He passed the box around and every man got one. Then there were three left. These were raffled off and Jurors Hancock, Robertson and Wilson got the extra weeds. They smoked away contentedly, and the sheriff watched them fondly.

"My boys," he calls to them, and no one would doubt that they are his boys. After supper the jurors returned to the green singing hymns as they went. A light twinkled in Henry's window, and he appeared again to look at the men in whose hands his life lies. It was a new scene to him of this and then the jury turned in for the night, and Henry's light dimmed and went out. Jailer Cogbill took a last look, assured himself that his charge was well and then bidding him a cheerful good night and a hearty wish for the morrow, passed his two sentinels about the dark, lonely jail.

BEULAH BINFORD NOT YET RELEASED

(Continued from First Page.)

marked at once: "Well, I reckon Henry Clay will marry me now."

Will Be Released To-day.

Once the evidence in the case is formally concluded, there would be no legal ground for holding either Beulah Binford or Paul Beattie. They are both held as material Commonwealth witnesses in default of bond. It is expected that Judge Watson will enter an order this morning for their release.

If the Commonwealth's Attorney and the detectives working on the case have by that time secured the evidence of which they have indirect information, the proper procedure would be for a warrant to be sworn out before some magistrate, charging Beulah Binford with perjury, an accessory before the fact, in which case she would be held in jail until the next grand jury trial at another term of the court. Mr. Scherer explained that the girl had been so advertised that were such information to come to light even as much as thirty days after her release there would be little difficulty in the police picking her up wherever she may go.

Mr. Scherer has in his possession a form of contract awaiting the girl's signature from a vaudeville manager, who proposes an accessory before the stage, notwithstanding Henry Beattie's assertion that she could not sing or dance. When told of the offer, Henry laughingly suggested that she might put on a farce act with Sheriff Gill.

Paul Beattie will be released this morning and will at once begin to hunt a job by which he can support his family. Since in jail he has received \$1 a day from the State as a witness, with a wife and baby, he is anxious to get somebody's pay roll as soon as possible.

Nothing that has been adduced at the trial has given any support to a rumor once strong in Richmond that Paul was an accessory before the fact. The defense did not attack his alibi for the night of the crime, and he claims that he was at home in bed, and the main facts in regard to his purchase of the gun for his cousin have been corroborated.

Persistent rumor had it yesterday that there would be at least one court proceeding against a witness in the Beattie trial for perjury on the stand. Mr. Scherer declined to be drawn into a discussion of the report in any way. He admitted that personally he was convinced that one witness had knowingly misstated facts on the witness stand, but he would not commit himself as to whether evidence in this perjury would be laid before the court.

OBITUARY

Calvin Shumaker.

[Special to The Times-Dispatch.]

Peach Bottom, Va., September 6.—Calvin Shumaker, aged ninety-two years, died at his home here Sunday morning at 5 o'clock. He is survived by three sons.

Charlotte A. B. Jacob.

[Special to The Times-Dispatch.]

Pungotague, Va., September 6.—Mrs. Charlotte A. B. Jacob died Sunday evening at the home of her daughter, Mrs. Edward Wise, in her eighty-fifth year. The funeral services will be held at 2 o'clock to-morrow at St. John's Church.

DEATHS

DALTON—Died, Wednesday, 2:30 P. M., at the residence of his parents, Mr. and Mrs. Percy Dalton, corner First Avenue and Burns Street, Highland Park, MR. ARTHUR P. DALTON.

Funeral at Methodist Church FRIDAY, 10 A. M.

SEAPARK—Died, September 6th, at Bedford City, Va., MARY SEAPARK, wife of Henry A. Seapark, in the fifty-sixth year of her age. Besides her husband, she leaves a son, Edward A. Seapark, of Duluth, Minn. Her remains will arrive at her residence, 218 East Main Street, Richmond, at 8 A. M. Friday, September 8th.

Funeral from St. John's Church 4 P. M. SATURDAY. Interment in Hollywood.

MONTAGUE—Died, at his residence, 115 East Franklin Street, at 3 P. M. Wednesday, September 6, 1911, JOHN H. MONTAGUE, age eighty-nine years.

Funeral services at St. James Church FRIDAY, September 8, 1911.

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